

0/a 2-9-90

Al Lee
P.O. Box 794
Ocala, Florida 32678

January 23, 1990

Honorable Raymond Ehrlich
Chief Justice of the Supreme Court of Florida
Supreme Court Building
500 Duval Street
Tallahassee, Florida 32399-1905

75,151

RE: Florida Supreme Court Standing Committee on Mediation/
Arbitration Rules, 1989 Report.

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Dear Mr. Chief Justice:

The Committee's recommendations on standards of conduct governing mediators and arbitrators, scheduled to be considered by the Supreme Court on February 5th, is a significant improvement for the integrity of mediation in Florida. However I note that the proposed rule has no enforcement authority.

I suggest, therefore, that a committee should be established to review the conduct of certified mediators, including complaints that may be filed with this group. I would envision a committee similar to the Florida Commission on Ethics.

I object to the provision in the rules that states that only attorneys may be certified for Circuit Court mediation. Professional mediation associations throughout the nation recognize that it is not necessary to be an attorney to successfully preside over mediation hearings. The practice of law is not related to the practice of mediation and it is fallacy to conclude that non-attorneys would not qualify as certified mediators.

The crucial elements of mediation is the ability of these facilitators to communicate and exercise skills in assisting parties to reach an agreement that is satisfactory to both sides.

It is unfair to the general public to set lawyers aside as a special class group with the understanding that only they are qualified to mediate disputes.

The proposed rule puts Florida attorneys in a special class to themselves regarding the process of court referred mediation and excludes what otherwise could be excellent mediators in this state. The rule, proposed by a committee whose members include special interest parties regarding earnings from mediation would foster a monopoly. In that regard it appears the plan constitutes restraint of trade.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Al Lee', written in a cursive style.

Al Lee
Ocala, Florida